

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DAVID E. MACK

V.

CAPITAL MANAGEMENT SERVICES  
LP

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CASE NO.: 4:12-CV-314(RC/ALM)

**ORDER**

The court anticipates setting time limits for each party to present its case. The **final pretrial is scheduled for September 18, 2013**, with **Trial** following in the **U.S. Courthouse Annex, Chase Bank Building, Mezzanine Level, 200 N. Travis Street, Sherman, Texas 75090** on **September 23, 2013**. It is, therefore, **ORDERED** that by **August 2, 2013, at 4:00 p.m.**, the parties shall each submit to the court an estimate of the time that party needs to complete the presentation of testimony in this case. The statement shall list each of the witnesses the party contemplates calling in its case in chief, and for each witness the amount of time the party anticipates using in direct examination of that witness. This statement shall also list each of the witnesses the party anticipates will be called by opposing counsel and for each such witness, an estimate of the time the party believes will be necessary for cross-examination of each witness.

Following the name of each witness listed and the estimated time, state briefly the general subject matter of testimony that witness is expected to give. For example: "Bob Smith - 30 minutes. Mr. Smith was in the vehicle following plaintiffs and witnessed the accident." If a party expects a witness to take an unusual amount of time, briefly explain the reasons for that time. For example after covering cause of property damage with an expert, counsel might say something like: "Ladies and Gentlemen, that completes Dr. Smith's testimony about the violation of both

patents. He will now discuss some of Dr. James's testimony about infringement of the '109 patent."

If a party anticipates calling rebuttal witnesses, those should also be listed and an estimate of time for their testimony given as provided above.

The amount of time an attorney plans to use in presenting a witness or in cross-examining could be information in the nature of trial strategy. **Accordingly, the required statements should not be filed with the clerk, but should be submitted only to the court at 300 Willow, Jack Brooks Federal Building, Suite 221, Beaumont, Texas 77701, or faxed to chambers at (409) 654-6280.** Copies do not have to be served on opposing counsel. The statements will be preserved and filed as part of the record at the conclusion of the trial. The court intends to notify the parties of the total time each is allotted by August 16, 2013.

So **ORDERED** and **SIGNED** this **14** day of **June, 2013**.



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Ron Clark, United States District Judge